IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **FAO NO.1338 OF 1989**

DATE OF DECISION: September 13, 2006

ASHRAF AND ANOTHER ...PETITIONERS

VERSUS

ABRAHIM AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: MR. C.B. GOEL, ADVOCATE FOR THE APPELLANTS.
MR. VIJAY PAL, ADVOCATE FOR
MR. GIRISH AGNIHOTRI, ADVOCATE FOR RESPONDENT NO.1.

ASHUTOSH MOHUNTA, J. (ORAL)

The appellants have filed the present appeal impugning the judgement dated 4.10.1989, passed by the Addl. District Judge, Gurgaon by which a compensation of Rs.1,20,000/- was awarded on account of death of Sahid, out of which Rs.40,000/- has been paid to the appellants and the remaining amount has been ordered to be paid to the widow and minor children of Sahid. The appellants have also claimed that they being the parents of the deceased Kabira were entitled to some compensation on account of his death whereas none has been awarded to them and the entire amount has been awarded to the widow and children of the deceased Kabir.

From a perusal of the impugned judgement it is clear that as the compensation of Rs.1,20,000/- has been assessed in respect to the death of Shahid out of which the Tribunal has rightly awarded Rs.40,000/- to the appellants who are the parents and the rest of the amount to his widow. The compensation has rightly been apportioned by the Tribunal as it has been

ordered that out of a total sum of Rs.1,20,000/-, award of Rs.50,000/- has been awarded to his widow Hasina and a sum of Rs.30,000/- has been awarded to Julekha, the minor daughter of the deceased Sahid. The apportionment is just and fair and no interference is called for.

As far as the apportionment of compensation with regard to the death of Kabir is concerned, the appellants have not stated as to what was the amount awarded to the widow and minor children of the deceased Kabir Ahmed and hence in the absence of the relevant facts, the judgement of the Tribunal cannot interfered with. Consequently, I do not find any merit in the present appeal and the same is dismissed.

September 13, 2006 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**